

DONALD SPECTER – 083925
 RITA K. LOMIO – 254501
 MARGOT MENDELSON – 268583
 PRISON LAW OFFICE
 1917 Fifth Street
 Berkeley, California 94710-1916
 Telephone: (510) 280-2621
 Facsimile: (510) 280-2704

XAVIER BECERRA
 Attorney General of California
 DAMON G. MCCLAIN
 Supervising Deputy Attorney General
 JOANNA B. HOOD
 Supervising Deputy Attorney General
 TRACE O. MAIORINO
 Deputy Attorney General
 SEAN LODHOLZ
 Deputy Attorney General
 JEREMY DUGGAN
 Deputy Attorney General

MICHAEL W. BIEN – 096891
 GAY C. GRUNFELD – 121944
 THOMAS NOLAN – 169692
 PENNY GODBOLD – 226925
 MICHAEL FREEDMAN – 262850
 ROSEN BIEN
 GALVAN & GRUNFELD LLP
 101 Mission Street, Sixth Floor
 San Francisco, California 94105-1738
 Telephone: (415) 433-6830
 Facsimile: (415) 433-7104

State Bar No. 229854
 1300 I Street, Suite 125
 P.O. Box 944255
 Sacramento, CA 94244-2550
 Telephone: (916) 210-6008
 Fax: (916) 324-5205
 E-mail: Jeremy.Duggan@doj.ca.gov
*Attorneys for Defendants
 Gavin Newsom and California
 Department of Corrections and
 Rehabilitation*

LINDA D. KILB – 136101
 DISABILITY RIGHTS
 EDUCATION & DEFENSE FUND,
 INC.
 3075 Adeline Street, Suite 201
 Berkeley, California 94703
 Telephone: (510) 644-2555
 Facsimile: (510) 841-8645

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**[PROPOSED] STIPULATION AND
 ORDER REGARDING PLAINTIFFS’
 MOTION TO PROTECT
 ARMSTRONG CLASS MEMBERS
 DURING THE COVID-19 PANDEMIC**
 Judge: Hon. Claudia Wilken

1 The Parties have met and conferred regarding Plaintiffs' Motion to Protect
2 *Armstrong* Class Members During the COVID-19 Pandemic (ECF No. 2996) and submit
3 this [proposed] stipulation and order. The parties, through their counsel, agree to the
4 following:

5 1. Defendants may not house *Armstrong* class members in inaccessible housing
6 locations. Defendants shall house *Armstrong* class members in isolation and quarantine
7 units in accordance with the COVID-19 housing protocols issued by the Federal Receiver
8 and shall not house *Armstrong* class members who have not before tested positive for
9 COVID-19 in any housing unit that exposes them to people with active, confirmed cases of
10 COVID-19 because of their disabilities or accommodation needs. Defendants must
11 establish and maintain adequate safe, accessible housing at all institutions housing class
12 members with impacting-placement disabilities (including people designated DLT) for the
13 duration of the pandemic.

14 2. Defendants are ordered to develop and implement a plan to ensure that the
15 ADA worker program can safely and effectively function without undue risk of
16 transmission of COVID-19 at the institutions or that that program is replaced by a safe
17 alternative method of providing disability-related assistance to class members.

18 3. The Court directs its expert or his designee to conduct a review of the
19 sufficiency of Defendants' existing supply of accessible housing, including for purposes of
20 medical isolation and quarantine in the event of COVID-19 outbreaks, to confer with the
21 Federal Receiver in *Plata v. Newsom*, and to present his recommendations to the Court as
22 soon as possible, but no more than thirty days from the date of this order.

23 4. If, due to emergent and unforeseen circumstances, Defendants temporarily
24 are not able to house an *Armstrong* class member in safe, accessible housing, Defendants
25 shall: (a) within 24 hours, provide notice to Plaintiffs, the Court Expert, and the Receiver,
26 and confer with the Court Expert and representatives for Plaintiffs and the Receiver as
27 soon as possible; (b) take all possible steps to find safe, accessible housing within 24
28 hours, conduct a review of the class member's placement each day thereafter, and provide

1 the results of those reviews to Plaintiffs and the Court Expert; and, (c) if the class member
2 is not housed in safe, accessible housing for more than seven consecutive days, provide
3 notice to the Court on the eighth day, including a report on all corrective action considered
4 and taken.

5 Within thirty days of this order, Defendants shall submit a report to this Court
6 describing the steps they have taken to comply with the order, and attesting to their
7 compliance with the order.

8 This order is narrowly drawn, extends no further than necessary to correct the
9 violation of the federal rights of *Armstrong* class members, and is the least intrusive means
10 necessary to correct that violation.

11 IT IS SO STIPULATED

12 Respectfully submitted,
13 DATED: July 20, 2020 PRISON LAW OFFICE

14 By: /s/ Rita Lomio
15 Rita Lomio

16 Attorneys for Plaintiffs

17
18 DATED: July 20, 2020 XAVIER BECERRA
19 Attorney General of the State of California

20 By: /s/ Joanna B. Hood
21 Joanna B. Hood
22 Supervising Deputy Attorney General

23 Attorneys for Defendants
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FILER'S ATTESTATION

As required by Local Rule 5-1, I, Joanna B. Hood, attest that I obtained concurrence in the filing of this document from Rita Lomio, and that I have maintained records to support this concurrence.

DATED: July 20, 2020

/s/ Joanna B. Hood
Joanna B. Hood

IT IS SO ORDERED.

DATED: _____

The Honorable Claudia Wilken
United States Senior District Judge

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